

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(129)

CWP-3961-2017

Decided on: February 28, 2017.

M/s Shiva Traders

.... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Daman Dhir, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

This is a petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No. 5 and 6 to settle the claims of the petitioner-miller in respect of 'B' class and 'C' class surplus gunny bags retained by the petitioner-miller after custom milling of paddy stored by respondents No. 5 and 6 in the mill premises for the crop years 2007-08 to 2013-14 as per the guidelines Annexure P-6 dated 24.05.2013.

In this respect, the petitioner had issued a legal notice to the Managing Director, MARKFED, MARKFED Bhawan, Sector 35, Chandigarh and the District Manager, MARKFED, District Office, Sangrur. Copy of the legal notice has been appended as Annexure P-16. Counsel for the petitioner submits that the petitioner will be satisfied that in case a direction is issued for consideration of his legal notice within a period of two months.

I have considered the said contention and am of the opinion that as per Section 80 of the Code of Civil Procedure no legal proceedings, even a suit, can be filed until the expiration of two months next after notice

in writing has been delivered to the State authority. A perusal of the legal notice Annexure P-16 shows that the legal notice was sent only on 17.01.2017. As the period of two months has not yet expired as such the petition is not maintainable.

The petition is dismissed as pre-mature with liberty to the petitioner to approach this Court in case the legal notice is not considered within the statutory period.

(M.M.S. BEDI)
JUDGE

February 28, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No